

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Kimberly Ann Hyer, et al.

v.

Civil No. 10-cv-00392-JL

Stewart Title Guaranty Company

**ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on **November 16, 2010**.

The parties may jointly request a stay pending the Maine Supreme Court's decision in the plaintiffs' related case.

The Discovery Plan (document no. 6) is approved as submitted, with the following changes:

- DeBenedetto disclosure deadline - **December 15, 2010**
- Close of discovery - **June 30, 2011**
- Close of expert discovery - **June 15, 2011**

Plaintiff's expert disclosure - **April 1, 2011**
Defendant's expert disclosure - **May 15, 2011**
Supplementation - **June 15, 2011**

- Summary judgment deadline - **August 1, 2011**
- Jury trial - **December 2011**

Based on the discussions between the court and counsel at the conference, the following are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the following affirmative defenses: Statute of Frauds.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the

United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: November 16, 2010

cc: William G. Scott, Esq.
Heather Dunion Neville, Esq.
Mark F. Weaver, Esq.